

DEPARTMENT OF NATURAL RESOURCES

Human Resources Policy No: 25
Effective Date: December 3, 2003
Subject: Unscheduled Absenteeism Policy
Authorization: Civil Service Rule 12.6(a)2

I. PHILOSOPHY:

It is the philosophy of the Department of Natural Resources to encourage responsible leave usage in order to maximize public service, reduce the negative impact of absenteeism on productivity, and improve employee morale. This policy shall be administered uniformly and as equitably as possible without regard to race, sex, age, religion, national origin, disability, veteran's status, job classification or other non-merit factor.

II. PURPOSE:

The purpose of this policy is to implement the provisions of Civil Service Rule 12.6, entitled "Non-disciplinary Removals", which provides under Section (a)2 for non-disciplinary removal of employees from state service due to unscheduled absences:

"12.6 Non-disciplinary Removals":

- (a) An employee may be non-disciplinarily removed under the following circumstances:
 - 2. When, after the employee has been given written notice that his attendance requires improvement and a copy of this rule, an employee has seven or more unscheduled absences during any consecutive twenty-six week period. The employee shall also be given written notice each time he incurs a sixth unscheduled absence during a consecutive twenty-six week period. An unscheduled absence occurs when an employee is absent from work without having obtained approved leave prior to the absence. Approval of leave, after the fact, to cover an unscheduled absence shall not prevent the absence from being considered unscheduled. A continuous absence for the same reason is one unscheduled absence, regardless of its duration.

III. APPLICABILITY:

This policy applies to all employees of the Department of Natural Resources serving with permanent status who have been placed on notice, in writing, via counseling letter or supervisory plan, that his/her absenteeism has become problematic. In such event, the employee will be provided a copy of Civil Service Rule 12.6(a)2 and advised that his/her attendance requires improvement.

IV. DEFINITION:

An "unscheduled absence" is defined as:

- (a) an employee's failure to report for duty at the designated time at the beginning of the workday, regardless of duration; or
- (b) an employee's leaving work before the end of the scheduled workday, regardless of duration; or
- (c) an employee's failure to timely return to duty at the end of a designated break or meal period, regardless of duration;

without having secured permission, in advance, from an authorized supervisor. "Advance" permission is defined as authorization to be off from work, late for work, extend a break period or leave work early by close of business the business day prior to leave usage. Approval of leave after-the-fact to cover an unscheduled absence shall not prevent the absence from being considered unscheduled.

V. EXCEPTIONS:

- 1) Leave that is approved for use under the provisions of the Family and Medical Leave Act (FMLA) and leave granted for the purpose of an accommodation under the Americans with Disabilities Act (ADA) will not count as an unscheduled absence. However, employees are expected to comply with agency policy and practice regarding notice to supervisory personnel when absences will be necessary.
- 2) The appointing authority retains the right to excuse, for a rational, business-related reason, an absence which otherwise would be deemed to be unscheduled under this policy.

VI. PROCEDURE:

The non-disciplinary removal authorized by this policy applies only to an employee who has been given notice that his attendance requires improvement and a copy of this rule. Such notice will be in writing via counseling letter or supervisory plan.

The employee will receive notice, in writing, within five workdays of each unscheduled absence declaring the absence to be an occurrence under this policy. This notice will likewise include the

number of occurrences thus far accumulated within the consecutive twenty-six (26) week period. Further, this notice will inform the employee of the manner in which the absence was coded (annual, sick, compensatory or leave without pay). Upon accrual of a sixth occurrence, the employee will also be given a formal letter of counseling advising him/her of the sixth occurrence and the possibility of removal upon accrual of a seventh occurrence.

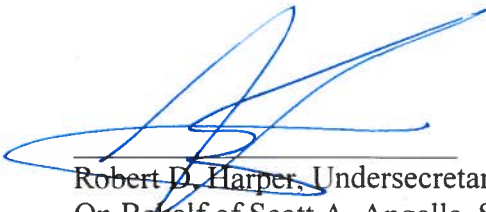
As required by Civil Service Rule 12.7, no permanent employee will be removed under this policy until he/she has been given oral or written notice of the proposed action and the reason therefor, a description of the evidence supporting the proposed action and a reasonable opportunity to respond.

VII. CLARIFICATIONS:

- 1) The appointing authority has the right to place an employee on leave without pay for the duration of any unscheduled absence.
- 2) The appointing authority has the right to discipline an employee for any unscheduled absence irrespective of the applicability of Civil Service Rule 12.6(a)2.
- 3) The appointing authority has the right to discipline an employee for failing to adhere to agency leave policy or practice.
- 4) The appointing authority has the right to require a doctor's certificate or other acceptable documentation to verify an employee's need to be off from duty and/or leave usage.
- 5) This policy does not preclude the appointing authority from terminating a probationary, job or restricted appointment at any time.
- 6) When an employee is removed under this Rule, the adverse consequences of Rule 6.5(c), 22.4(d), 23.13(b), 23.16(a)4, 11.18(b) and 17.23(e)4 shall not apply.

VIII. QUESTIONS:

Questions regarding the interpretation and enforcement of this policy should be addressed to our Human Resources Division.


Robert D. Harper, Undersecretary
On Behalf of Scott A. Angelle, Secretary

7-6-12
Date

DEPARTMENT OF NATURAL RESOURCES

UNSCHEDULED ABSENTEEISM NOTICE

TO: EMPLOYEE
FROM: SUPERVISOR
DATE: DATE
RE: NOTICE OF OCCURRENCE

On **DATE**, your absence was determined to be an occurrence under DNR's Unscheduled Absenteeism Policy. For payroll purposes, this absence has been coded as:

Annual Leave: _____

Compensatory Leave: _____

Sick Leave: _____

Leave Without Pay: _____

This is your _____ occurrence as of this date within the applicable twenty-six week period.

Be reminded that this policy, authorized by Civil Service Rule 12.6(a)2, provides for the non-disciplinary removal of an employee who has seven or more unscheduled absences during any consecutive twenty-six week period.